

Notice of Allowability

Application No.

09/667,981

Examiner

Benjamin C. Lee

Applicant(s)

BURNETT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/28/05 and Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 3-7, 9-12 and 14; renumbered 1-10 by Examiner.
3. ☒ The drawings filed on 22 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08182005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gasey on 8/18/05.

The application has been amended as follows:

Claims 1-2 (Canceled).

Claim 3. (Currently Amended) The noise making [device] assembly of claim [1] 6, wherein the water resistant, sound permeable barrier [is constructed of polytetrafluoroethylene and] is attached to the front face by a sonic weld.

Claim 4. (Currently Amended) The noise making [device] assembly of claim [1] 6, wherein the water resistant, sound permeable barrier [is constructed of polytetrafluoroethylene and] is attached to the front face by a hot melt.

Claim 5. (Currently Amended) The noise making [device] assembly of claim [1] 6, wherein the water resistant, sound permeable barrier [is constructed of polytetrafluoroethylene and] is attached to the front face by a silicone adhesive.

Claim 6. (Currently Amended) A noise-making assembly comprising:

- a piezoelectric transducer;

- a sound-amplifying housing adjacent the transducer, the sound-amplifying housing enclosing a space communicating with the transducer for receiving sound waves from the

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transducer, the sound amplifying housing further having a front face, said housing further comprising at least a first cavity, wherein said first cavity is adjacent said piezoelectric transducer and amplifies sounds emitted by the piezoelectric transducer;

a water resistant, sound permeable barrier adjacent to said front face adjacent the first cavity for preventing water [entering the housing] from entering the first cavity and affecting the piezoelectric transducer; and

a water resistant, hydrophobic fastener, said fastener mating with said sound-amplifying housing adjacent the first cavity for preventing water [entering the housing] from entering the first cavity and affecting the piezoelectric transducer;

wherein the water resistant, sound permeable barrier is constructed of polytetrafluoroethylene.

Claim 7. (Original) The noise making assembly of claim 6, wherein the water resistant sound permeable barrier is integrally attached to said water resistant, hydrophobic fastener.

Claim 8 (canceled).

Claim 9. (Original) The noise making assembly of claim 6, wherein the water resistant, hydrophobic fastener threadingly engages said sound-amplifying housing.

Claim 10. (Original) The noise making assembly of claim 6, wherein the front face of said sound amplifying housing includes at least one aperture.

Claim 11. (Original) The noise making assembly of claim 6, wherein the front face of said sound amplifying housing comprises a grill.

Claim 12. (Original) The noise making assembly of claim 6, wherein the front face of said sound amplifying housing is constructed of polytetrafluoroethylene.

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Claim 13 (canceled).

Claim 14. (Currently Amended). The noise-making [device] assembly of claim [13] 6, further comprising a second cavity adjacent the first cavity, wherein the second cavity further amplifies sounds emitted by the piezoelectric transducer.

2. The following is an examiner's statement of reasons for allowance:

In a noise-making assembly having a sound amplifying housing with a cavity and a piezoelectric transducer, the claimed use of a water resistant, sound permeable barrier constructed of polytetrafluoroethylene adjacent the front face to prevent water entrance, and a water resistant hydrophobic fastener for mating with the housing adjacent the cavity for also preventing water entrance in the manner claimed, is not taught or suggested in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin Q. Lee
Primary Examiner
Art Unit 2632

B.L.